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Drummond Canal & W. Co. (N. C.), 61 L. R. A. 833, not to be included in the original condemnation of the right of way for the canal so as to prevent the subsequent recovery of damages for them.

The other cases on the construction and operation of canals are collated in an elaborate note to this case.

WHARVES AND DOCKS—LIABILITY FOR SAFETY OF.—The mere fact that a vessel owner has to go through mud to reach a berth in a dock is held, in *Garfield & P. Coal Co.* v. *Rockland-Rockport Lime Co.* (Mass.), 61 L. R. A. 946, not to cast upon him the risk of injury from a ledge of rocks of which he has no notice and of which the owner of the dock knows, or by the exercise of reasonable care could know.

A note to this case reviews the other authorities on liability for safety of wharf or dock.

FEDERAL AND STATE COURTS—JURISDICTION—RECEIVERS.—Although a receiver has been illegally appointed by a state court in excess of its jurisdiction to aid the enforcement of its own judgment, it is held, in *Phelps* v. *Mutual Reserve Fund Life Asso.* (C. C. A. 6th C.), 61 L. R. A. 717, that he cannot be enjoined from acting by a United States circuit court, being protected by U. S. Rev. Stat. sec. 720, forbidding an injunction by any Federal court to stay proceedings in any state court, except when authorized by any law relating to proceedings in bankruptcy.

CRIMINAL LAW—FORGERY—DIFFERENT INSTRUMENTS.—The uttering as true of a forged mortgage and a forged note, which the mortgage purports to secure, at one time and to the same party, is held, in *State* v. *Moore* (Minn.), 61 L. R. A. 819, to constitute but one offense, so that a conviction on an indictment for uttering the mortgage is a bar to a subsequent conviction for uttering the note.

With this case is a note discussing the question whether the forgery of different instruments at one time constitutes but one or more than one crime.

BANKRUPTCY—BANKS—DEPOSITORS—SET-OFFS.—A deposit of money with a bank upon an open account subject to check, may be set off in bankruptcy against a claim of the bank against the depositor, allowing the bank to prove for the balance. Such deposit, though made within four months of adjudication of bankruptcy, does not constitute a preference which must be surrendered before the bank may prove its debt. *Pirie* v. *Chicago Title & Trust Co.* (182 U. S. 438), distinguished. *N. Y. &c. Bank* v. *Massey* (U. S. Sup. Ct., Jan. 4, 1904).

NATIONAL BANKS—USURY—FEDERAL AND STATE STATUTES.—A controversy respecting usurious interest paid on a note held by a national bank, secured by a collateral note and mortgage, which arises in a suit to foreclose the mortgage, is none the less governed by the federal law on the subject